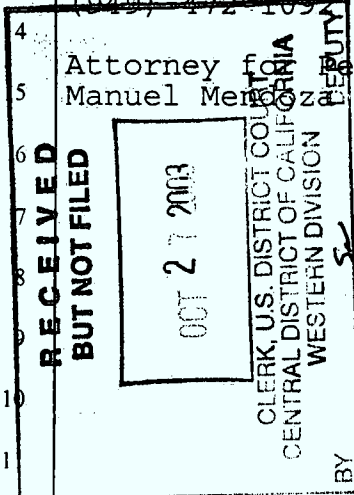
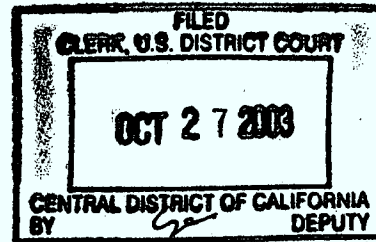
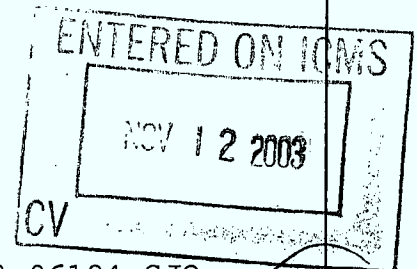


Karyn H. Bucur, Esq.
 State Bar No. 158608
 24881 Alicia Parkway
 #E193
 Laguna Hills, California 92653
 (949) 472-1092

Attorney for Petitioner
 Manuel Mendoza



UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA



MANUEL MENDOZA,

Petitioner,

v.

JEANNE WOODFORD, Warden of
 California State Prison at San
 Quentin,

Respondent.

) Case No.: CV 03-06194 SJO

) DEATH PENALTY CASE

) AMENDED EX PARTE APPLICATION BY
) KARYN H. BUCUR, ESQ. FOR
) APPOINTMENT OF SECOND COUNSEL;
) MEMORANDUM OF POINTS AND
) AUTHORITIES; DECLARATION OF
) KARYN H. BUCUR, ESQ.
) DECLARATION OF DARLENE M.
) RICKER, PROPOSED ORDER FILED
) SEPARATELY


DEATH PENALTY

COMES NOW the petitioner Manuel Mendoza through his
 appointed counsel Karyn H. Bucur, Esq., and respectfully moves
 this Court pursuant to Local Rules 83-17.1 and 83-17.4 for the
 appointment as second counsel for petitioner.

This **amended** ex parte application is based on the
 records and files of this case, the attached amendment, the ex
 parte application served on September 29, 2003, and the attached

1 declarations of Darlene M. Ricker, Esq. and of Karyn H. Bucur,
2 Esq.

3
4
5 Dated: October 24, 2003


Karyn H. Bucur
6 Counsel for Mr. Mendoza

7
8 **AMENDED EX PARTE APPLICATION FOR APPOINTMENT OF SECOND COUNSEL**

9 On September 29, 2003, counsel served an ex parte
10 application for appointment of counsel in the above-entitled
11 death penalty case. Counsel would like to amend that ex parte
12 application as follows: Counsel respectfully requests that
13 Darlene M. Ricker, Esq. be appointed as second counsel instead
14 of Tina Long Rippy, Esq. because Ms. Rippy no longer serves on
15 the Ninth Circuit Appellate panel.
16
17

18 Ms. Ricker is a member of the Capital Habeas Attorney
19 Panel in both the Central and Northern Districts of California.
20 (Declaration of Darlene M. Ricker). Ms. Ricker has had
21 extensive experience with capital cases. (Declaration of
22 Darlene M. Ricker).
23

24 On October 24, 2003, counsel spoke with Ms. Ricker.
25 Counsel explained to Ms. Ricker the nature of this case, the
26 potential issues involved, and the length of the record. Ms.
27 Ricker expressed a willingness to accept this appointment and
28 stated that she has the time to properly devote to it.

1 Counsel has worked with Ms. Ricker in the past. Ms.
2 Ricker and counsel both represent appellants in a very large
3 Mexican Mafia appeal. The record in that case exceeds 30,000
4 pages. Counsel worked together, coordinated efforts with
5 several other attorneys, and produced a joint brief. The name
6 of the case is United States v. Frank Fernandez, et. al., 01-
7 50082, 01-50088, 01-50162, 01-50373, 01-50513 and it is still
8 pending in the Ninth Circuit.
9

10
11 As Ms. Ricker's declaration shows, she is "qualified"
12 within the meaning of Title 21 United States Code section 848
13 (q)(6) ("admitted to practice in the court of appeals for not
14 less than five years, and must have had not less than three
15 years experience in the handling of appeals in the court in
16 felony cases.)
17

18 As mentioned in ex parte application served on
19 September 29, 2003, there are well over 100 legal issues to
20 evaluate and possible new issues. If Ms. Ricker is appointed on
21 this case, counsel plans on dividing the responsibilities so
22 that the efforts are not duplicated. Due to the anticipated
23 legal work, and the short time period to prepare the petition
24 under the statute, counsel believes that she cannot effectively
25 represent petitioner without co-counsel.
26


27 Counsel requests that Ms. Ricker be appointed as "co-
28 counsel" and be compensated at the same rate as counsel. Both

1 attorneys plan on sharing the work equally. Counsel plan on
2 beginning the investigation and preparation of the petition by
3 reading and digesting the trial transcript, identifying claims,
4 speaking with the client and former counsel, and then divide the
5 responsibility for specific claims. Accordingly, it is
6 counsel's request that they be compensated at the same hourly
7 rate.
8

9 To avoid repetition, counsel incorporates the
10 remainder of the legal arguments from the ex parte application
11 into this amended ex parte application.
12

13 Based on this Court's authority under Title 21 United
14 States Code section 848(q)(7) and Local Rule 83-17 et seq., and
15 the good cause set forth herein and in the attached
16 declarations, counsel respectfully requests that the Court
17 appoint Darlene M. Ricker, Esq. as co-counsel in this case at
18 the rate of \$125.00.
19

20
21 Dated: October 24, 2003


Karyn H. Bucur
Counsel for Mr. Mendoza

Declaration of Karyn H. Bucur

1
2 1. I am an attorney at law. I am licensed in the
3 State of California and before the bar of this Court. All of
4 the facts stated herein are true of my personal knowledge or
5 upon belief and information and if called upon to testify
6 thereto, I could and would so competently.

8 2. On October 24, 2003, I spoke with Darlene M.
9 Ricker, Esq. I explained to her the nature of this case, the
10 potential issues involved, and the length of the record. Ms.
11 Ricker informed me that is willing to accept this appointment
12 and stated that she has the time to properly devoted to it.

14 3. I have worked with Ms. Ricker in the past. We
15 both represent appellants in a very large Mexican Mafia appeal
16 still pending in the Ninth Circuit. The record in that case
17 exceeded 30,000 pages. We worked together with other attorneys
18 and produced a joint brief. The name of the case is United
19 States v. Frank Fernandez, et. al., 01-50082, 01-50088, 01-
20 50162, 01-50373, 01-50513.

22 4. In this case, the state habeas petition is 519
23 pages and contains approximately 29 issues and 100 subissues.

25 5. I also read the published opinion from Mr.
26 Mendoza's direct appeal. That opinion revealed that there are
27 approximately 30 issues and subissues to explore.
28

1 6. The reporter's transcript and the clerk's
2 transcript consist of 5700 pages. I was informed by Gary
3 Garcia, deputy state public defender that there are still
4 several boxes of record and related material to be forwarded to
5 me.
6

7 7. Based on my preliminary evaluation, I believe
8 that the statute of limitations may expire in approximately 12
9 months in this case barring any tolling of the statute. Due to
10 the 100 plus legal issues and investigation of possible new
11 issues in the guilt and penalty phase, I believe it is necessary
12 to appoint second counsel to equally share the responsibility to
13 file the petition for a writ of habeas corpus.
14

15 I declare under penalty of perjury under the laws of
16 the United States that the foregoing is true and correct to the
17 best of my knowledge.
18

19
20 Dated: October 24, 2003

21 
22 Karyn H. Bucur
23
24
25
26
27
28

**DECLARATION OF COUNSEL
[DARLENE M. RICKER]**

I, DARLENE M. RICKER, state and declare as follows:

1. I am an attorney duly licensed to practice law in the State of California and before the bar of this Court. All of the facts stated herein are true of my personal knowledge or upon belief and information and if called upon to testify thereto, I could and would do so competently.

2. I was admitted to the State Bar of California in 1990 and to the District of Columbia Bar in 1991. Since 1990, I have practiced almost exclusively federal criminal law.

3. My qualifications are as follows:

(a) I am a member of the Capital Habeas Attorney Panel in both the Central and Northern Districts of California. I am lead counsel in the capital habeas case of Bradford v. Woodford (Central Dist. Cal.) No. CV-6453-RSWL (which is currently stayed in the federal court pending state exhaustion) and was appointed lead counsel in the high-profile capital habeas case of David Welch v. Woodford (N. Dist. Cal.) (multiple homicides) (I withdrew for geographic reasons to permit a Bay Area attorney to substitute into the case);

(b) I have been qualified for "dual appointments" in capital cases (direct appeal and habeas) by the California Supreme Court. I am lead counsel in the multiple-homicide case of People v. Randall Clark Wall, S044693 (California Supreme Court), a dual appointment;

1 (c) I formerly worked on several high-profile capital murder cases in this
2 district with attorney Peter Giannini of Los Angeles, most notably: Kelvin
3 Malone v. Calderon (CV-96-4040-WJR) and Earl Jones v. Calderon (CV-
4 94-816-WMB). In 1998, I assisted Mr. Giannini on People v. John Orr,
5 a three-month capital murder trial in Los Angeles Superior Court, in which
6 the defendant had been convicted of several federal arsons and was
7 capitally charged with four murders. The case resulted in a sentence of life
8 without parole;

9 (d) I have extensive federal criminal experience at the trial and
10 appellate levels since 1990. I was a member of the CJA Attorney (trial)
11 Panel for the Central District of California (Santa Ana) and the Southern
12 District of California from 1992-94. I have been a member of
13 the Ninth Circuit Attorney Panel in the Central District of California since
14 1992 and the Southern District of California since 2001;

15 (e) In 2000, I was appointed as learned (capital) counsel in the federal death-
16 eligible case of *United States v. Allan Arthur Figueroa*, # CR 01-88-RT, in
17 the Central District (federal prison murder). The case settled for a
18 plea of aggravated assault in January 2003; and

19 stand by
20 (f) I am ~~lead~~ counsel in the federal death-eligible case of *United States v.*
21 *McElhiney*, CR 02-938-GHK-008 (Cent. Dist. Cal.) (Aryan
22 Brotherhood/RICO murders).

23
24 DATED: October 23, 2003

25 
26 DARLENE M. RICKER
27
28

CERTIFICATE OF SERVICE

I, the undersigned declare: that I am a citizen of the United States and a resident of Orange County and employed in Laguna Hills, California; that my business address is 24881 Alicia Parkway, El193, Laguna Hills, California 92653; that I am over the age of 18 years; that I am not a party to the above-entitled action; that I placed in a U.S. Post Box in the City of Laguna Hills, on, a copy of AMENDED EX PARTE APPLICATION FOR APPOINTMENT OF SECOND COUNSEL, DECLARATIONS of Karyn H. Bucur and Darlene Ricker, AND PROPOSED ORDER addressed to:

SEE ATTACHED LIST

This Certificate is executed on the date shown below, at Laguna Hills, California.


Karyn H. Bucur

Dated: October 25, 2003



CV 03-6194 SJO: Manuel
Mendoza v. Jeanne Woodford
Service List re: Order
Appointing Counsel

Maria E. Stratton
Federal Public Defender
321 East Second Street
Los Angeles, CA 90012

Manuel Mendoza
CDC #E-06400
San Quentin, CA 94974

Paul Roadarmel
Deputy Attorney General
300 South Spring Street, #5018
Los Angeles, CA 90013

Michael G. Millman
California Appellate Project
One Ecker Place, Suite 400
San Francisco, CA 94105

Lauren Weis, Deputy Attorney
County of LA, Appellate
Division
210 West Temple, 18th Floor
Los Angeles, CA 90012

Clerk of Court
Los Angeles Superior Court
111 North Hill Street, Room
105E
Los Angeles, CA 90012

Jeanne Woodford, Warden
San Quentin State Prison
San Quentin, CA 94974

Death Penalty Habeas Law
Clerks
U.S. District Court
312 North Spring Street
Los Angeles, CA 90012

Keith Borjon, Capital Case
Coordinator
Deputy Attorney General
300 South Spring Street
#8003
Los Angeles, CA 90013

Gary D. Garcia
Deputy State Public Defender
221 Main Street, 10th Floor
San Francisco, CA 94105